



*A bold voice for transportation workers*

## **COMMON SENSE TRANSPORTATION REGULATORY POLICY**

Frontline workers, the traveling public, and communities across the country depend on a safe and secure transportation network to drive middle-class job growth and sustain our economy. While private sector stakeholders and local and state jurisdictions have an important role to play in this effort, the federal government has the primary responsibility to establish rules and guidance that ensure a safe and efficient transportation system. We are therefore opposed to efforts to weaken important safety standards, labor protections, or policies that promote American jobs and industry, that together are necessary to protect and promote a strong transportation system.

Last year, the Department of Transportation (DOT) issued two *Federal Register* notices seeking input on regulations, guidance, legislation, and policies that somehow might interfere with the completion of infrastructure projects or burden the development of domestic energy. Not surprisingly, corporate America and others with an ideological agenda have flooded the DOT docket with a wish list of regulatory, legislative, and policy changes – many of which would come at the expense of safety and working families. As a threshold matter, we note that most of these requested changes have nothing to do with speeding project delivery or domestic energy production and everything to do with increasing profits and cutting costs. TTD and its affiliate unions agree that there are instances where existing regulations are outdated or unnecessary, and we are prepared to work with DOT to address these issues. However, we are deeply concerned by the many ill-advised requests made to these dockets that jeopardize labor and safety standards.

These proposals include rolling back multimodal efforts to combat worker fatigue by stripping hours of service regulations, ending rest break requirements, and prohibiting states from taking further efforts to address worker fatigue. Commenters to the DOT dockets also argued in favor of dangerous changes to the railroad industry, pushing for a future in which a single individual is responsible for the operation of a multi-thousand ton freight train. Others have proposed decreasing the frequency of brake inspections to levels below what is currently deemed safe.

And despite the lessons learned in the aviation industry from tragedies such as the 2009 Colgan Air crash, some are proposing to water down common-sense safety regulations dictating pilot training and experience requirements. Others have pushed an agenda to allow for unfettered use of commercial drones in the National Airspace System without considering their effect on aircraft and helicopters that currently use the system.

These proposals – and others that would jeopardize transportation safety – must be rejected. DOT and its modal agencies have demonstrated remarkable success in improving safety conditions for transportation workers and the general public. According to the Bureau of Labor Statistics, accidents over the last few decades have decreased in some modes by as much as 91 percent, in large part due to the impacts of federal regulation. Despite this undeniable evidence, we now see proposals to reverse years of successful federal intervention in transportation issues.

We also reject any efforts to weaken labor rules that ensure investments in our nation's transportation networks and infrastructure create jobs that can support middle-class families. Section 13(c) transit labor protection have preserved the rights and jobs of frontline transit workers for decades while allowing the industry to implement technology enhancements and expand services. Inexplicably, some are now claiming that these core protections should be gutted or significantly modified – a premise we reject. Opponents of fair pay and fair treatment of workers have used DOT's dockets to call for the repeal or waiver of Davis-Bacon requirements, which ensure a living wage for construction workers, and that projects are performed by qualified and trained personnel. Commenters have paired this with a request for executive action to prohibit the use of project labor agreements, a cost effective and efficient manner of managing construction labor while simultaneously promoting fair wages.

DOT and this Administration must also fulfill its promises to promote strong Buy America policies and invest in domestic manufacturing. We recognize that current Buy America laws are imperfect, with separate statutes governing each modal agency as well as Amtrak, and we support efforts to harmonize these laws and build consistency throughout DOT. However, any effort to harmonize Buy America laws should be done to raise standards across the board rather than to weather stronger statutes down to the lowest common denominator. Similarly, DOT and the Administration should protect and enforce laws that promote domestic industries and job growth. This includes ensuring full compliance with the Jones Act, cargo preference laws, and the Fly America Act.

We understand that President Trump has made regulatory reform a priority and again there are some rules and procedures that can be considered for modification. For example, we have and will continue to work on policies to streamline permitting standards to help speed to delivery of critical infrastructure projects.

We are concerned, however, that the overall approach undertaken so far is akin to “deregulation for the sake of deregulation,” and lacks a strategic focus on promoting safety and worker rights. Executive Order 13771, or the two-for-one requirement, is at best a misguided attempt to reduce regulatory burden, and is at worst a dangerous and irresponsible impediment to the ability of regulators to protect the public. Any effective and successful regulatory agency must have the ability to nimbly address changing circumstances and new challenges, and this is particularly true in a transportation sector that is seeing rapid innovation and technological advancement. The need to eliminate two regulations every time a new regulation is issued misses the point of regulation entirely. Regulations should be developed based on need, not quotas.

It is ironic that these broad attacks on regulations are made under the guise of cutting supposedly burdensome costs imposed by overzealous regulators. In fact, a recent report by this administration's Office of Management and Budget (OMB) on the benefits and costs of major regulations easily discredits this claim. It concluded that over the past 10 years the economic benefit of DOT regulations is three times the estimated cost.

We will continue to urge DOT and other agencies regulating in the transportation sector to preserve rules that ensure a safe and economically viable system. It is imperative that DOT move carefully in the regulatory dockets that it has created and not move forward with rule changes that will weaken our transportation network or the jobs and rights of frontline workers.

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